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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JOEL LINGAT and JOSEPH EUGENE LEMAY,

Defendants.

1:21-cr-573-MKV

ADJOURNMENT ORDER AND
ORDER TO SHOW CAUSE

MARY KAY VYSKOCIL, United States District Judge:

On April 15, 2024, after Defendants were each found guilty by a jury of one count of conspiracy to defraud the Internal Revenue Service, in violation of Title 18, United States Code, Section 371, this Court set Defendant Lemay's sentencing for July 24, 2024. [ECF No. 175] ("Trial Transcript"). The Court further directed, on the record, that "defense [sentencing] submissions are due two weeks in advance" of sentencing. *See* Trial Transcript 1370:18-21. On June 18, 2024, counsel for Mr. Lemay requested an adjournment of his sentencing from July 24, 2024, to August 21, 2024, which the Court granted. [ECF Nos. 182, 184]. Then, on August 2, 2024, counsel for Mr. Lemay requested a **second extension** of Mr. Lemay's sentencing hearing, which the Court granted. [ECF Nos. 192, 197, 198]. In granting Mr. Lemay's second extension request, the Court adjourned the sentencing hearing to September 4, 2024. [ECF No. 198].

Despite the Court's Individual Rules of Practice in Criminal Cases and the Court's explicit Order at sentencing that defense submissions are due two weeks in advance of sentencing, and without courtesy of warning the Court, defense counsel for Mr. Lemay requested an extension of the deadline to file Mr. Lemay's sentencing submission **the day after his sentencing submissions were due**. [ECF No. 204]; Individual Rule of Practice in Criminal Cases 6.B ("Unless otherwise ordered, a defendant's sentencing submission shall be served on the government and e-mailed to Chambers no later than two weeks before the date set for sentencing."); *see also* Individual Rule

of Practice in Criminal Cases 1.G (“All requests for . . . **extensions of time**, including requests on consent, must be made **at least 72 hours prior** to the scheduled . . . deadline.”). Acknowledging the untimeliness of the request, defense counsel further requested that the Government also receive a “commensurate” extension of the deadline to file its sentencing submission to the Friday before the three-day federal holiday weekend, August 30, 2024. [ECF No. 204].

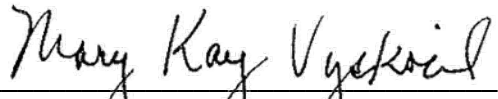
Accordingly, IT IS HEREBY ORDERED that in order to provide the Court adequate time to carefully review and consider all sentencing submissions, Mr. Lemay’s sentencing is hereby ADJOURNED to **October 16, 2024 at 11:00 AM**.

Additionally, IT IS HEREBY FURTHER ORDERED that **no later than August 30, 2024**, defense counsel for Mr. Lemay shall show cause, in writing, why they should not be sanctioned for ignoring deadlines, including the deadline to request extensions, and violating this Court’s Individual Rules, even after receiving several extensions.

The Clerk of Court is respectfully requested to close docket entry 204.

SO ORDERED.

Date: August 22, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge